

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADAUTO REYNOSO,) Case No. 09-3225 SC
Plaintiff,)
v.) ORDER DENYING PLAINTIFF'S
PAUL FINANCIAL, LLC, SAXON) APPLICATION FOR SERVICE
MORTGAGE SERVICES, INC., QUALITY)
LOAN SERVICE CORP., CITYMUTUAL)
FINANCIAL, PROFESSIONAL APPRAISERS)
CO., and DOES 1 though 50,)
inclusive,)
Defendants.)
)

17 Plaintiff seeks to serve his Complaint upon Defendant
18 CityMutual Financial ("CityMutual") by substituted service on the
19 California Secretary of State. Docket No. 34 ("Service Mot."). A
20 court may order service upon a corporate defendant "by hand to the
21 Secretary of State," if "the agent designated cannot with
22 reasonable diligence be found at the address designated for
23 personally delivering the process . . ." Cal. Civ. Proc. Code
24 § 416.10(d); Cal. Corp. Code § 1702(a). Plaintiff has attached
25 affidavits to his Service Motion that describe his attempts to
26 serve CityMutual, and he claims that CityMutual's agent for service
27 could not be found at two different addresses. See Service Mot. at
28 8-10. However, Plaintiff has not submitted evidence that the

1 addresses he cites are in fact the "address[es] designated for
2 personally delivering the process" Plaintiff can easily
3 remedy this by resubmitting the Service Motion with sufficient
4 documentation. Plaintiff's Service Motion is therefore DENIED
5 WITHOUT PREJUDICE. Plaintiff may resubmit the Service Motion
6 within ten (10) days of the date of this Order.

7

8 IT IS SO ORDERED.

9

10 Dated: November 16, 2009


11 UNITED STATES DISTRICT JUDGE